

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

MELISSA WILSON, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WENDY LONG, et al.,

Defendants.

Civil Action No. 3:14-CV-01492

Judge Sharp
Magistrate Judge Newbern

JOINT MEDIATION STATEMENT

Pursuant to the Court's November 16, 2016, Case Management Order, Plaintiffs and Defendants (hereinafter the "State") hereby submit a Joint Mediation Statement, stating as follows:

1. On November 16, 2016, the Court entered a Case Management Order, wherein it ordered the Parties to meet and confer about the possibility of a judicial settlement conference or a mediation of the claims in this case and to submit a joint mediation statement by January 6, 2016. ECF No. 185. The parties have conferred and continue to have differing views in the value of having a judicial settlement conference.

2. The Plaintiffs' position is as follows: This case has centered around the timely processing of TennCare applications, which was disrupted as Tennessee implemented the Affordable Care Act. From Plaintiffs' perspective, the State has never disputed there were significant problems for class members before the preliminary injunction was entered; they have disputed only who was the cause of and who bore responsibility for those problems. Moreover, the State has never formally objected to the remedy the preliminary injunction ordered; their

objection has centered on the fact that it is a remedy that is being judicially ordered. Finally, there will eventually come a time when the purpose of the injunctive relief in this case will have run its course. The question is simply a matter of when.

With these premises in mind, Plaintiffs believe a judicial settlement conference shortly after January 31, 2017, should be conducted. Factual discovery is currently set to close on January 31, 2017. After that point the parties will have a shared understanding of what is actually happening to ongoing TennCare applications, and will be as fully aware of the strengths and weaknesses of their respective positions as they are ever going to be. Plaintiffs believe a judicial settlement conference will be a far better use of everyone's collective resources than will preparation for dispositive motions (presently due March 2, 2017) and/or a bench trial (presently set for July 11, 2017). Plaintiffs therefore request a judicial settlement conference be conducted shortly after January 31, 2017.

3. The State's position is as follows: Since the last time the parties and the Court discussed mediation there have been no developments or changes in the case that would lead the State to alter its view that mediation would not be a productive or efficient use of the parties' time, effort, or resources. The State remains of the view that this case can only be resolved with an order vacating the preliminary injunction and dismissing the case with prejudice. Accordingly, the State would be willing to divert resources to mediation only on the understanding that Plaintiffs are open to that resolution.

DATED this January 6, 2017.

Respectfully submitted,

/s/ Samuel Brooke

On Behalf of Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on this day a true and correct copy of the foregoing has been filed with the Court through the CM/ECF filing system, and that by virtue of this filing notice will be sent electronically to all counsel of record, including:

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Dated: January 6, 2017.

/s/ Samuel Brooke